SUBCHAPTER B : HAZARDOUS METALS

§319.21. Definitions.

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

Average quality - the arithmetic average (weighted by flow value) of all the daily determinations of concentrations made during a calendar month. Daily determinations of concentrations made using a composite sample shall be the concentration of the composite sample. When grab samples are used, the daily determination of concentration shall be the arithmetic average (weighted by flow value) of all samples collected during the calendar day.

Daily composite quality - the concentration of a sample consisting of a minimum of three grab samples of effluent collected at regular intervals over a normal operating day and combined proportional to flow, or a sample continuously collected proportional to flow over a normal operating day.

Grab sample quality - the concentration of an individual sample of effluent collected in less than 15 minutes.

Hazardous metal - includes each of the following metals in its elemental state and any of its compounds expressed as that metal: arsenic, barium, cadmium, chromium, copper, lead, manganese, mercury, nickel, selenium, silver, and zinc.

Inland waters - all surface waters in the state other than "tidal waters" defined below.

Tidal waters - those waters of the Gulf of Mexico within the jurisdiction of the State of Texas, bays and estuaries thereto, and those portions of the river systems which are subject to the ebb and flow of the tides, and to the intrusion of marine waters.

§319.22. Quality Levels - Inland Waters.

The allowable concentrations of each of the hazardous metals, stated in terms of milligrams per liter (mg/l), for discharge to inland waters are as follows:

	Not to Exceed		
Metal	Average	Daily Composite	Grab Sample
Arsenic	0.1	0.2	0.3
Barium	1.0	2.0	4.0
Cadmium	0.05	0.1	0.2
Chromium	0.5	1.0	5.0
Copper	0.5	1.0	2.0
Lead	0.5	1.0	1.5
Manganese	1.0	2.0	3.0
Mercury	0.005	0.005	0.01
Nickel	1.0	2.0	3.0
Selenium	0.05	0.1	0.2
Silver	0.05	0.1	0.2
Zinc	1.0	2.0	6.0

§319.23. Quality Levels - Tidal Waters.

The allowable concentrations of each of the hazardous metals, stated in terms of milligrams per liter (mg/l), for discharge of tidal waters are as follows:

	Not to Exceed		
Metal	Average	Daily Composite	Grab Sample
Arsenic	0.1	0.2	0.3
Barium	1.0	2.0	4.0
Cadmium	0.1	0.2	0.3
Chromium	0.5	1.0	5.0
Copper	0.5	1.0	2.0
Lead	0.5	1.0	1.5
Manganese	1.0	2.0	3.0
Mercury	0.005	0.005	0.01
Nickel	1.0	2.0	3.0
Selenium	0.1	0.2	0.3
Silver	0.05	0.1	0.2
Zinc	1.0	2.0	6.0

§319.24. Dilution Prohibited.

The attainment of the specified levels simply by dilution, in the absence of any treatment (that is, by use of extraneous or other wastewater intermixed to dilute a particular discharge) is specifically prohibited. The mercury level in the effluent stream from the facility in which a waste containing mercury originates shall be measured after treatment and before any extraneous water or wastewater from any other sources has been added.

§319.25. Sampling and Analysis.

Test procedures for the analyses of hazardous metals shall comply with any procedures specified in the regulations of the commission and shall conform to regulations published pursuant to §304(g) of the Federal Water Pollution Control Act Amendments of 1972. In the event a question arises concerning sampling and analysis, the executive director shall authorize or approve the method or methods of sampling and analysis to be used in measuring or calculating the quantity of a hazardous metal in an effluent.

§319.26. Toxic Pollutant.

The commission may require more stringent quality levels than those specified in §319.22 of this title (relating to Quality Levels - Inland Waters) and §319.23 of this title (relating to Quality Levels - Tidal Waters) where necessary to insure protection of water in the state. The commission may

authorize less stringent quality levels than those set forth in §319.22 of this title (relating to Quality Levels - Inland Waters) and §319.23 of this title (relating to Quality Levels - Tidal Waters) only where the applicant demonstrates that there will be no significant adverse impact on water quality and that the less stringent quality levels are necessary based on considerations consistent with the provisions of the Texas Water Code.

§319.27. Groundwater Protection.

Although this subchapter is directed towards discharges into surface waters in the state, it is the intention of the commission to apply the terms of this subchapter where practicable and necessary, in order to protect the quality of groundwater resources in the state.

§319.28. Waste Discharge Amendment.

Every waste discharge permit which does not currently specify effluent limitations for any of the hazardous metals covered by this subchapter is hereby amended to incorporate the terms of this subchapter. In all waste discharge permits which the commission may issue, renew or amend, the quality levels specified in this subchapter shall apply where the commission does not establish specific effluent limitations regarding a particular hazardous metal.

§319.29. Limitations in Waste Discharge Permits Controlling.

Where waste discharge permits specify effluent limitations for any of the hazardous metals covered by this subchapter, the limitations contained in the permit shall be controlling.

Date Effective: October 8, 1990